This toolkit is designed for procurement officers and construction project managers in the Victorian Public Service who work on contracts that involve construction and demolition.

Under the Environment Protection Act 1970, Section 27A(2), the generator of industrial waste has the ultimate responsibility for the correct classification and management of waste; this responsibility cannot be contracted out.

**Environment Protection Act 1970**

**27A Offences relating to industrial waste**

Any person who dumps, deposits, discards or abandons or permits to be dumped, deposited, discarded or abandoned a particular kind of industrial waste —

(a) at a place not being a site licensed to accept industrial waste of that kind under this Act; or

(b) at a site which is licensed to accept industrial waste under this Act without the knowledge or consent of the licence holder — is guilty of an indictable offence.

Penalty: 5000 penalty units ($775,000)

To avoid offences related to industrial waste, procurement officers and construction project managers should be familiar with how their contractors and subcontractors on construction sites manage waste. This document offers a pathway for Departments to avoid the risk of committing an offence under the Environment Protection Act. It refers specifically to the tender, contract and project management phases of construction projects. A link to the relevant regulations and supporting documentation can be found here.

This document is comprised of two parts:

**Part 1. The tender and contract** — Outlines the key area for consideration when developing tender documents and contracts.

**Part 2. Construction project management — checklist** tool to ensure contractors and sub-contractors are compliant.

**Diagram 1** below can be used as a guide to better understand which waste streams are to be addressed in the tender documentation and EMP. Where waste streams in the diagram encounter a coloured bubble there are EPA requirements associated with the facility that receives it. This can be used to alert procurement officers that evidence of correct disposal is required.
Toolkit for the management of solid waste from civil and construction & demolition sites

Diagram 1. Construction and Demolition Waste Flows

- **Civil/C&D materials**
  - Demolition
    - Transfer station / materials recycling facility
      - Direct resource recovery
        - Concrete & bricks
        - Timber
        - Plaster
        - Scrap
      - Landfill
    - Landfill
    - Cleanfill sites
    - Fines
    - Retained
    - Retain
    - Abatement on site
      - Reuse
    - Contaminated soil
      - Retained
      - Landfill
    - Asbestos
      - Treatment
      - Drilling mud
      - Paint Wash
      - Retain
      - Landfill
    - Asbestos contaminated soil
      - Landfill
    - Other eg liquid wastes
      - Paint Wash
    - Prescribed Industrial Wastes (PIW)

**Key**
- **● Meet criteria**
  - EPA scheduled activity
  - Site licence required
- **● Fill criteria**
  - Council permit
  - EPA fill criteria
- **● Engineered fill**
  - EPA engineered fill
  - Industrial waste fact sheet
- **● NEPM**
  - Contaminated sites
  - NEPM/SEPP
- **● EPA classification**
  - IWRG cls 11
  - General classifications
- **● Transport**
  - IWRG
  - Vehicle permit
  - Transport certificates
- **● OH&S Criteria**
  - Asbestos regulations
Part 2 – Construction project management

What tools are available to assess compliance?

User note: use the following checklist for assessment of contract deliverables.

Project managers on construction sites need to ensure their contractors are demonstrating their contractual obligations for the correct disposal of wastes. The below checklist provides examples of documentary evidence contractors should provide to demonstrate regulatory compliance. If contractors are not able to provide the suggested documentation, further investigation is required.

This checklist is broken into 3 key areas:
1. Construction and demolition wastes
2. Asbestos
3. Soils

1. Construction and demolition wastes

<table>
<thead>
<tr>
<th>Item</th>
<th>Determination</th>
<th>Requirement</th>
<th>Evidence</th>
<th>Evidence sighted</th>
</tr>
</thead>
</table>
| 1. Is any of the waste PIW? | Yes – sight evidence and go to Q.2 | Yes – evidence must be able to be provided to EPA upon request. | • sampling results  
• risk assessment report  
• audit report |  |
| | No – sight evidence and go to Q.2 | No – evidence must be able to be provided to EPA upon request. |  |  |
| 2. Was the waste sent for reuse, recycling/reprocessing? | Yes – sight evidence | Yes - waste must be sent a facility permitted to receive it.  
Note: if direct reuse on/offsite an engineering report or specification should be available. If the waste is PIW, reuse onsite may require sign off by an EPA appointed Auditor. Reuse offsite must be conducted in accordance with DBR/SBR criteria in IWRR Part 5. | • council permit or EPA licence  
• weighbridge receipts  
• recycling reports (if applicable)  
• engineered specification (if applicable)  
• audit report |  |
| | No – investigate why this did not occur and/or go to Q.3 |  |  |  |
| 3. Was the waste sent for disposal to landfill? | Yes – sight evidence | Waste must be sent to a facility Licensed by EPA to receive it. | • EPA licence  
• weighbridge receipts |  |
## Toolkit for the management of solid waste from civil and construction & demolition sites

### 2. Asbestos

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Was asbestos identified on site?</td>
<td>Yes – sight evidence and go to Q.2</td>
<td>• Worksafe must receive a notice to remove asbestos by a licensed asbestos removalist</td>
<td>• asbestos audit</td>
<td>• evidence of Worksafe notification</td>
</tr>
<tr>
<td></td>
<td>No - END</td>
<td></td>
<td>• removalist licence</td>
<td>• occupational hygienist report</td>
</tr>
<tr>
<td>2. Was the asbestos sent for disposal in Victoria? (Note asbestos is a Category C PIW)</td>
<td>Yes - sight evidence</td>
<td>• a permitted vehicle is used and waste is tracked using an EPA transport certificate</td>
<td>• copy of EPA vehicle permit</td>
<td>• EPA waste transport certificate</td>
</tr>
<tr>
<td></td>
<td>No – investigate why this did not occur</td>
<td>• transported to a facility licensed/approved to receive the waste</td>
<td>• EPA issued licence</td>
<td></td>
</tr>
</tbody>
</table>

### 3. Soils

#### Contaminated soils (Prescribed Industrial Waste)

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</thead>
<tbody>
<tr>
<td>1. Was contaminated soil identified on site?</td>
<td>Yes- sight evidence and go to Q.2</td>
<td>• ensure soil is assessed &amp; categorised</td>
<td>• site assessment</td>
<td>• analysis report</td>
</tr>
<tr>
<td></td>
<td>No - go to Q.4</td>
<td></td>
<td>• geo-tech report (if applicable)</td>
<td>• environmental audit</td>
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<tr>
<td>2. If contaminated soil retained on site, has an assessment of this reuse/retention been undertaken in line with the SEPP PMCL and National Environment Protection Measure Assessment of Site contamination (NEPM ASC)?</td>
<td>Yes – sight evidence and go to Q.3</td>
<td>• reuse/retention must adhere to SEPP and NEPM requirements</td>
<td>• report from consultant/auditor</td>
<td>• council permit conditions</td>
</tr>
<tr>
<td></td>
<td>No – investigate why this did not occur</td>
<td>• works approval may be required for containment</td>
<td>• works approval conditions if required</td>
<td></td>
</tr>
<tr>
<td>3. Was the contaminated soil sent for treatment or disposal?</td>
<td>Yes – sight evidence and go to Q.4</td>
<td>• an EPA permitted vehicle is used and waste is tracked using an EPA waste transport certificate</td>
<td>• copy of EPA vehicle permit</td>
<td>• EPA waste transport certificate</td>
</tr>
<tr>
<td></td>
<td>No – investigate why this did not occur</td>
<td>• transported to a facility licensed/approved to receive the waste</td>
<td>• EPA Vic issued licence</td>
<td></td>
</tr>
<tr>
<td>4. Was uncontaminated soil (or treated contaminated soil) sent to a clean fill site, or reused onsite?</td>
<td>Yes – sight evidence</td>
<td>• transported to a facility licensed/approved to receive the waste</td>
<td>• council permit</td>
<td>• EPA issued licence</td>
</tr>
<tr>
<td></td>
<td>No – investigate why this did not occur</td>
<td></td>
<td>• weighbridge receipts</td>
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<tbody>
<tr>
<td>1. Was fill removed from site?</td>
<td>Yes - sight evidence and go to Q.2 No - END</td>
<td>• ensure soil is assessed &amp; categorised</td>
<td>• site assessment&lt;br&gt;• analysis report&lt;br&gt;• geo-tech report (if applicable)</td>
<td></td>
</tr>
<tr>
<td>2. Did the fill material contain industrial waste (bricks, timber etc)?</td>
<td>Yes – go to Q3 No - sight evidence of disposal</td>
<td>• transported to a location permitted to receive the waste</td>
<td>• council permit</td>
<td></td>
</tr>
<tr>
<td>3. Was this industrial waste removed prior to offsite disposal?</td>
<td>Yes – END No - go to Q.4</td>
<td></td>
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</tr>
<tr>
<td>4. Was the waste sent for disposal to landfill?</td>
<td>Yes - sight evidence No – investigate why this did not occur</td>
<td>• waste must be sent to a facility licensed or approved to receive it.</td>
<td>• EPA Vic issued licence&lt;br&gt;• weighbridge receipts</td>
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